

R 200620Z MAR 03
FM AMEMBASSY MBABANE
TO SECSTATE WASHDC 8892
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
DIA WASHINGTON DC
CDR4THPSYOPGP FT BRAGG NC//AOCP-POG-SB//
USCINCEUR VAIHINGEN GE//ECJ2//
SECDEF WASHDC//USDP/ISA/AFR//
USTR WASHDC

UNCLAS MBABANE 000147

DEPT FOR AF/S(BARNES), AF/PD(DALTON), DRL(BRYANT)
USTR FOR C.MOORE

E.O. 12958: N/A

TAGS: PREL PGOV PHUM AGOA WZ

SUBJECT: THE JET SAGA: IS AN END IN SIGHT?

REF: A: 02 MBABANE 623, B: 02 MBABANE 767, C: 02 MBABANE 782

¶1. SUMMARY: A SELECT COMMITTEE OF PARLIAMENT HAS CONCLUDED THAT THE PRIME MINISTER AND THREE OTHER CABINET MINISTERS ACTED ILLEGALLY IN CONTRACTING TO PURCHASE A PRIVATE JET FOR KING MSWATI III AT AN ESTIMATED COST OF \$72 MILLION USD. THE COMMITTEE'S CHAIR AND ANOTHER COMMITTEE MEMBER TOLD THE AMBASSADOR AND POLOFF IN SEPARATE MEETINGS THAT IN SPITE OF THE REPORT, MEMBERS OF PARLIAMENT ARE NOW FACING INTENSE PRESSURE FROM THE PM TO APPROVE THE RELEASE OF FUNDS FOR THE PURCHASE. ALTHOUGH PARLIAMENT IS EXPECTED TO VOTE AGAIN ON THE MATTER WITHIN WEEKS, IT IS NOT CLEAR THAT THE KING OR PM WILL ACCEPT ANYTHING EXCEPT A DECISION IN FAVOR OF THE PURCHASE. IF THIS PROVES TRUE, THE KING, WHO RECENTLY ACKNOWLEDGED THAT HE DOES NOT RESPECT PRINCIPLES OF JUDICIAL INDEPENDENCE, WILL HAVE MADE PARLIAMENTARY INDEPENDENCE THE SECOND CASUALTY OF HIS ABSOLUTE RULE IN RECENT MONTHS. END SUMMARY.

¶2. IN THE LATEST DEVELOPMENT OF THE SEEMINGLY ENDLESS SAGA OF THE GKOS SCHEME TO BUY A JET FOR THE KING, A SELECT COMMITTEE OF PARLIAMENT RECENTLY REPORTED THAT THE A TEAM INCLUDING THE PM, THE MINISTER OF PUBLIC WORKS AND TRANSPORT, THE MINISTER OF FINANCE, AND THE MINISTER OF ECONOMIC PLANNING AND DEVELOPMENT (EP&D) ACTED ILLEGALLY UNDER A "ROYAL MANDATE" IN USING PUBLIC FUNDS TO PURCHASE A BOMBARDIER JET FOR THE KING WITHOUT FIRST SEEKING PARLIAMENT'S APPROVAL (REF A AND B). THE COMMITTEE CONCLUDED THAT: THE MINISTER FOR EP&D ILLEGALLY DIRECTED THAT ONE MILLION USD BE TAKEN FROM DEVELOPMENT FUNDS TO ACQUIRE THE JET; THE MINISTER OF PUBLIC WORKS ILLEGALLY SIGNED FINANCIAL AGREEMENTS FOR THE PURCHASE WITHOUT SEEKING LEGAL ADVICE ON THE IMPLICATIONS OF THE AGREEMENTS; THE PRIME MINISTER ILLEGALLY ORDERED THE TEAM TO REDIRECT MONEY ALREADY ALLOCATED BY PARLIAMENT TOWARDS THE PURCHASE; AND THE MINISTER OF FINANCE ILLEGALLY PERMITTED THE TAKING OF FUNDS FOR THE \$2.8 MILLION USD DEPOSIT FROM DEVELOPMENT FUNDS, THE SWAZI NATIONAL TREASURY, AND THE ROYAL SWAZI AIRLINE.

¶3. THE COMMITTEE ALSO CONCLUDED THAT ALTHOUGH THE KING DID NOT ORDER THE INVOLVED MINISTERS TO DISREGARD PARLIAMENTARY PROCEDURES FOR COMMITTING PUBLIC FUNDS, HE GAVE CLEAR DIRECTION THAT HE WANTED THE JET. AMONG THE DISCOVERIES THE COMMITTEE FOUND MOST TROUBLING WAS THE FACT THAT NO ONE IN GOVERNMENT HAS BEEN ABLE TO PRODUCE ANY RECEIPTS FOR THE \$2.8 MILLION USD ALREADY PAID. CONSEQUENTLY, THE COMMITTEE HAS NO WAY OF KNOWING WHETHER THE MONEY EVER EVEN REACHED ITS INTENDED RECIPIENT OR WHETHER ILLEGAL COMMISSIONS WERE PAID.

¶4. THE COMMITTEE HAS ADVISED THE GKOS TO CEASE EFFORTS TO PROCEED WITH THE PURCHASE AND TO RECOUP THE MONEY ALLEGEDLY ALREADY PAID. BUT THE PM HAS REFUSED TO

ACCEPT THIS RECOMMENDATION AND INSTEAD IS LOBBYING THE MPS TO PERMIT THE DEAL TO GO AHEAD. MANY MPS WE HAVE SPOKEN TO VOW THAT IN THE UPCOMING VOTE, THEY WILL AFFIRM THEIR EARLIER DECISION REJECTING THE PURCHASE (REF C).

¶5. COMMENT: GIVEN THE DISREGARD BOTH THE KING AND PM HAVE SHOWN IN RECENT MONTHS FOR JUDICIAL INDEPENDENCE AND THE RULE OF LAW, SOME GOVERNMENT CRITICS HAVE EXPRESSED CONCERN THAT REGARDLESS OF PARLIAMENT'S DECISION, THE SWAZI PEOPLE, MANY OF WHOM ARE HUNGRY AND DYING OF HIV/AIDS, WILL SOME DAY WATCH AS THEIR LEADER TAKES HIS INAUGURAL FLIGHT ON HIS 72 MILLION DOLLAR BOMBARDIER EXECUTIVE JET.

MCGEE